

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
Civil Action No. 4:22-cv-31

ANTHONY JUSTIN LITTLE,)	
)	
Plaintiff,)	
)	
v.)	<u>NOTICE OF REMOVAL TO</u>
)	<u>FEDERAL COURT</u>
RENE HERSE CYCLES LTD, d/b/a)	
RENE HERSE CYCLES,)	
)	
Defendant.)	

Defendant Rene Herse Cycles, Ltd., d/b/a Rene Herse Cycles (“Rene Herse” or “Defendant”), by and through undersigned counsel, removes the above-entitled action from the Superior Court of Pitt County, North Carolina to the United States District Court for the Eastern District of North Carolina, pursuant to 28 U.S.C. §§ 1332 and 1441. In support of this Notice of Removal, Defendant states as follows:

1. This action is being removed to federal court based on diversity of citizenship between the parties and, on information and belief, an amount in controversy greater than \$75,000.00.

2. On February 28, 2022, Plaintiff filed a Complaint in the Superior Court of Pitt County, North Carolina, styled “Anthony Justin Little v. Rene Herse Cycles, Ltd., d/b/a Rene Herse Cycles.” That case was assigned civil action number 22 CVS 002051 (“Superior Court action”). Defendant was served with the summons and Complaint on or about March 5, 2022. This notice is being filed within thirty (30) days of the date of service of the summons and Complaint on Defendant.

3. Plaintiff's claims for relief against Defendant in the Superior Court action are for failure to warn, inadequate design, negligence, unfair and deceptive trade practices, obstruction of justice, and punitive damages.

4. The United States District Court for the Eastern District of North Carolina has original jurisdiction over the Superior Court action pursuant to 28 U.S.C. §1332(a) and it may be removed by Defendant pursuant to 28 U.S.C. §1441(a) and (b) for the following reasons:

- (a) Per the Plaintiff's Complaint, Plaintiff is a citizen of Pitt County, North Carolina. (Complaint ¶1).
- (b) At the commencement of this action and at all relevant times, Rene Herse Cycles, Ltd., d/b/a Rene Herse Cycles was a Washington corporation, both by incorporation and principal place of business. (Complaint ¶2).
- (c) The matter in controversy between Plaintiff and Defendant was, at the commencement of this action, one in which complete diversity of citizenship existed.
- (d) The amount in controversy between the Plaintiff and Defendant in this action, exclusive of interest and costs, exceeds \$75,000.00 based on allegations in Plaintiff's Complaint, and prior demands, including his claim seeking recovery of punitive damages.
- (e) Therefore, Defendant files this notice of removal of this action from Pitt County Superior Court to the United States District Court for the Eastern District of North Carolina.

5. Attached to this notice as Exhibit 1 are a copy of the summons and a copy of the Complaint filed in the Superior Court action.

6. Attached to this notice as Exhibit 2 is a copy of the Affidavit of Service by Certified Mail filed in the Superior Court action.

7. A copy of this Notice of Removal is being served on the Clerk of Court of Pitt County, North Carolina contemporaneously with the filing of this Notice, as shown by the Notice attached as Exhibit 3.

WHEREFORE, Defendant respectfully requests that this action be removed from the Superior Court of Pitt County, North Carolina, to the United States District Court for the Eastern District of North Carolina.

This the 1st day of April 2022.

BY: /s/ F. Marshall Wall
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Plaintiff,)
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RENE HERSE CYCLES LTD, d/b/a)
RENE HERSE CYCLES,)
)
Defendant.)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 1st, 2022, the foregoing *Notice of Removal* was electronically filed with the Clerk of Court using the CM/ECF system and **mailed** via the United States Postal Service, postage pre-paid and addressed to:

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Jeffrey J. Blick
William H. Reeves
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